

REMARKS

Claims 1-8 and 10-12 are pending in the application and have been rejected. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Improper Rejection

Applicants note the Examiner cited a single rejection at 3 of the Office Action as rejecting all pending claims 1-8 and 10-12 under 35 U.S.C. 103(a) "over Subrahmanyam (US 5,732,214) in view of Applicant Admitted Prior Art." However, on pages 4 and 5, with respect to claims 2-8, the Examiner references "Chen." It is not clear whether the rejection of claims 2-8 is over 1) Chen, 2) Subrahmanyam in view of Chen, or 3) Subrahmanyam in view of Applicant Admitted Prior Art and further in view of Chen.

Clarification is requested. Applicants herein presume that all claims are rejected as stated on page 4, that is, under 35 U.S.C. 103(a) over Subrahmanyam (US 5,732,214) in view of Applicant Admitted Prior Art. Applicants note that should this be incorrect, a corrective Office Action should be issued. Further, if Applicants presumption is not correct, any subsequent Office Action based on a different rejection than that explicitly stated by the Examiner herein can not be made final to the Examiner's failure to properly set forth the rejection of at least claims 2-8.

Stated Rejection of Claims 1-8 and 10-12

Claims 1-8 and 10-12 are rejected under 35 U.S.C. 103(a) over Subrahmanyam (US 5,732,214) in view of Applicant Admitted Prior Art, hereinafter "AAPA," which is indicated by the Examiner to correspond to Applicants' disclosure at page 2, lines 4-7, of the application. The rejection of each and every claim is respectfully traversed for at least the following reasons.

Subrahmanyam discloses a network archival service system comprising an archival node, the archival node comprising a storage medium

(reference claim 16), and possibly at least one file server (reference claim 17). Subrahmanyam discloses too that the storage medium includes a first storage medium that stores information transmitted from a user equipment to the network for archival storage, and a second storage medium that stores user profile information (reference claim 19). In Subrahmanyam, the “length of storage” for data is disclosed as being optionally set for archiving information (reference column 5, lines 21-23). However, the “length of storage” is selected by the user (reference column 5, lines 33-35; claims 1, 13, 22). Subrahmanyam does not teach, disclose, or suggest deleting data automatically from the second storage medium.

In contrast, Applicants claim in step (e) of claim 1 that the content of the multimedia message in the second storage means in the second data server are archived “up to the moment when said multimedia message is consulted on the second terminal.” Thus, the length of archive claimed by Applicants is predetermined, triggered by access of the message by a user at the second terminal. This insures the user at the second terminal actually received the message, but also minimizes archival time to no longer than that necessary for the user to retrieve the message. In contrast, Subrahmanyam appears to allow the user to set the storage length, regardless of whether the user or a second user has accessed the archived data.

The AAPA cited by the Examiner does not overcome the deficiency of Subrahmanyam because the AAPA teaches that messages exchanged between terminals are temporarily stored (archived) in a server, and that the temporary archiving is limited, for example, to two days after receipt of a sent message in the server. After this time, the message is automatically destroyed. Thus, a recipient who has not reacted immediately may no longer be able to access or read the message because it has been destroyed.

The method of the claimed invention prevents such a loss of information while minimizing archival time to only that needed for a user to retrieve a message. Again, the automatic deletion based on a set action, which is time independent because when the action will occur is unknown, is not

taught, suggested, or disclosed by Subrahmanyam, AAPA, or the combination thereof. Therefore, for at least the reasons set forth throughout the remarks, the rejection of all claims 1-8 and 10-12 should be reconsidered and withdrawn.

In view of the foregoing remarks, claims 1-8 and 10-12 are in condition for allowance, and prompt and favorable action in the form of a Notice of Allowance is respectfully solicited.

Should the Examiner require anything further to place the application in condition for allowance, the Examiner is respectfully requested to call Applicants' undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathleen Neuner Manne', is written over a horizontal line.

Kathleen Neuner Manne
Attorney for Applicant(s)
Registration No. 40,101

KNM:ld
Rochester, NY 14650
Telephone: (585) 722-9225
Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.